

# House File 337 - Introduced

HOUSE FILE 337  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 10)

## A BILL FOR

1 An Act relating to state employee defense and indemnification  
2 from certain claims and actions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 669.21, subsection 1, Code 2019, is  
2 amended to read as follows:

3 1. Except as otherwise provided in subsection 2, the  
4 state shall defend any employee, and shall indemnify and hold  
5 harmless an employee against any claim as defined in section  
6 669.2, subsection 3, paragraph "b", ~~including claims arising~~  
7 ~~under the Constitution, statutes, or rules of the United States~~  
8 ~~or of any state.~~

9 Sec. 2. Section 669.22, Code 2019, is amended to read as  
10 follows:

11 **669.22 ~~Actions in federal court~~ Employees defended and**  
12 **indemnified — other actions.**

13 The state shall defend any employee, and shall indemnify and  
14 hold harmless an employee of the state in any action arising  
15 under the Constitution, statutes, or rules of the United States  
16 or of any state, including actions commenced in federal court  
17 under 42 U.S.C. §1983 against the employee for acts of the  
18 employee while acting in the scope of employment. The duty to  
19 indemnify and hold harmless shall not apply and the state shall  
20 be entitled to restitution from an employee if the employee  
21 fails to cooperate in the investigation or defense of the claim  
22 or demand, or if, in an action commenced by the state against  
23 the employee, it is determined that the conduct of the employee  
24 upon which the claim or demand was based constituted a willful  
25 and wanton act or omission or malfeasance in office.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 Code sections 669.21 and 669.22 provide that the state  
30 shall defend any state employee, and hold harmless any state  
31 employee, for certain claims and actions.

32 Code section 669.21, which provides that the state will  
33 provide for the defense and indemnification of state employees  
34 for claims as defined by Code chapter 669, including claims  
35 arising under the Constitution, statutes, or rules of the

1 United States or of any state, is amended by striking the  
2 phrase that includes claims arising under the Constitution,  
3 statutes or rules of the United States, or of any state. Code  
4 section 669.22, which provides that the state will provide for  
5 the defense and indemnification of state employees for actions  
6 commenced in federal court arising under 42 U.S.C. §1983, is  
7 amended to also provide for the defense and indemnification of  
8 state employees for actions arising under the Constitution,  
9 statutes, or rules of the United States or of any state.